

**Notice of Allowability**

Application No.

10/712,402

Applicant(s)

FUJINO, MAKOTO

Examiner

Pritham Prabhakher

Art Unit

2622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/19/2007.
2. ☒ The allowed claim(s) is/are 10 and 17-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>See Continuation Sheet</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                 | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 10/21/2005 and 01/08/2007.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter B Martine (Reg. No. 32,043) on 08/28/2007.

The application has been amended as follows:

The applicant has cancelled **Claims 1, 6-9 and 11-16**.

### *Allowable Subject Matter*

**Claims 10 and 17-19** are allowed.

The following are the examiner's reasons for allowance:

In regard to independent **Claim 10**, the closest prior art of record fails to teach or reasonably suggest "an image processing method comprising the steps of: providing image data generated by an image generating device, and image generation record information associated with the image data, the image generation record information including at least operating information about the image generating device at the time of

generation of the image data; and when the image generation record information includes subject brightness information relating to brightness of a subject at the time of generation of the image data, adjusting picture quality of the image data using a subject brightness level derived from the subject brightness information, wherein **the image generation record information further includes supplemental light source firing information at the time of generation of the image data, and information relating to a distance between the subject of the image data and the image generating device at the time of generation of the image data, and wherein the picture quality adjustment step includes a step of performing the picture quality adjustment processing suitable for a portrait image when it is determined that the supplemental light source provided illumination based on the firing information, and that the distance from the subject is shorter than a predetermined distance threshold value, and that the subject brightness level is above a predetermined brightness threshold value**".

Regarding independent **Claim 17**, the closest prior art of record fails to teach or reasonably suggest "an image processing device for performing image processing using image data generated by an image generating device, and image generation record information associated with the image data, the image generation record information including at least operating information about the image generating device at the time of generation of the image data, the image processing device comprising: a picture quality adjuster that, when the image generation record information includes subject brightness

information relating to brightness of a subject at the time of generation of the image data, adjusts picture quality of the image data using a subject brightness level derived from the subject brightness information, wherein the image generation record information further includes supplemental light source firing information at the time of generation of the image data, and information relating to a distance between the subject of the image data and the image generating device at the time of generation of the image data, and wherein the picture quality adjuster performs picture quality adjustment processing suitable for a portrait image when it is determined that the supplemental light source provided illumination based on the firing information, and that the distance from the subject is shorter than a predetermined distance threshold value, and that the subject brightness level is above a predetermined brightness threshold value".

In regard to independent **Claim 18**, the closest prior art of record fails to teach or reasonably suggest "an output device for outputting an image using image data generated by an image generating device, and image generation record information associated with the image data, the image generation record information including at least operating information about the image generating device at the time of generation of the image data, the output device comprising: a picture quality adjuster that, when the image generation record information includes subject brightness information relating to brightness of a subject at the time of generation of the image data, adjust picture quality of the image data using a subject brightness level derived from the subject brightness

level derived from the subject brightness information, and an image output unit for outputting an image according to the image data after the picture quality adjustment, wherein the image generation record information further includes supplemental light source firing information at the time of generation of the image data, and information relating to a distance between the subject of the image data and the image generating device at the time of generation of the image data, and wherein the picture quality adjuster performs picture quality adjustment processing suitable for a portrait image when it is determined that the supplemental light source provided illumination based on the firing information, and that the distance from the subject is shorter than a predetermined distance threshold value, and that the subject brightness level is above a predetermined brightness threshold value”.

With regard to independent **Claim 19**, the closest prior art of record fails to teach or reasonably suggest “a computer program product for causing a computer to execute image processing using image data generated by an image generating device, and image generation record information associated with the image data, the image generation record information including at least operating information about the image generating device at the time of generation of the image data, the computer program product comprising: a computer-readable medium; and a computer program stored on the computer-readable medium, the computer program includes a program for causing a computer to execute a function of, when the image generation record information

includes subject brightness information relating to brightness of a subject at the time of generation of the image data, adjusting picture quality of the image data using a subject brightness level derived from the subject brightness information, wherein the image generation record information further includes supplemental light source firing information at the time of generation of the image data, and information relating to a distance between the subject of the image data and the image generating device at the time of generation of the image data, and wherein the function of adjusting picture quality includes performing picture quality adjustment processing suitable for a portrait image when it is determined that the supplemental light source provided illumination based on the firing information, and that the distance from the subject is shorter than a predetermined distance threshold value, and that the subject brightness level is above a predetermined brightness threshold value".

The following are the closest references found:

**Toyoda et al. (US Pub No.: 2002/0167592A1)** discloses that when shooting is made, an electronic camera selects a correction mode and a correction condition, which reflect the shooting intention of a user with the highest accuracy when a visible image is formed, based on a set shooting mode, a condition for image capturing at the time of shooting, and a camera mode. The electronic camera then associating the correction mode and the correction condition with the image data obtained by shooting, and records the mode and the condition in association with the image data on a memory

card. When a printer prints an image based on the image data, it performs a process for a correction when a visible image is formed, based on the correction mode and the correction condition, which are associated with the image data.

**Hoshuyama (US Patent No.: 7184079B2)** discloses an image-capturing device that captures a subject image through an exchangeable lens. A white balance sensor that is set at a position conjugate with the position of the image-capturing device relative to the exchangeable lens to receive the light from the subject image and outputs color signals. A white balance adjustment signal calculation circuit calculates white balance adjustment basic signals based upon the color signals output from the white balance sensor and weighting points in conformance to the photographic range, the number of sets of red color data and the subject brightness value. Adjustment signals to be used for white balance adjustment are determined based upon the weighting points and the adjustment basic signals.

**Terashita (US Patent No.: 6952223B2)** discloses that in an image processing method for carrying out image processing on digital image signals, which have been acquired with digital cameras, image processing is carried out on the digital image signals and under different image processing conditions in accordance with kinds of the digital cameras. The image processing is thereby carried out such that reproduced images having good image quality may be obtained regardless of the kinds of the digital cameras. An apparatus for carrying out the image processing method comprises an input device for inputting pieces of information, which represent kinds of the digital cameras, and an image processing unit for carrying out image processing on the digital



image signals and under different image processing conditions in accordance with the kinds of the digital cameras, which are represented by the pieces of information inputted from the input device.

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pritham Prabhakher whose telephone number is 571-270-1128. The examiner can normally be reached on M-F (7:30-5:00) Alt Friday's Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pritham David Prabhakher  
Patent Examiner  
[Pritham.Prabhakher@uspto.gov](mailto:Pritham.Prabhakher@uspto.gov)

*Pritham, D. Prabhakher*

A handwritten signature in black ink, appearing to read 'D. Ometz', with a long horizontal line extending to the right.

DAVID OMETZ  
SUPERVISORY PATENT EXAMINER